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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT

PAPER NUMBER

2674

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22

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/419,300	KIM, PHIL-TAE	
	Examiner	Art Unit	
	Abbas I Abdulselam	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 April 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 04/22/03 have been fully considered but they are not persuasive.

Applicant argues that the cited references do not teach or suggest an indicator that is displayed and used to select the menu and can be adjusted to be located within the submenu. However, Sakurai (USPN 5581685) teaches the display of current menu (S28), the selection for displaying a sublevel menu (S29 or a step S31) and a selection process that may be performed by control code keys, function keys etc. See col. 2, lines 64-67 and col. 3, lines 1-13. Choi (USPN 5648781) teaches the movement of a cursor enabling the selection of each menu icon displayed via a trackball. See col. 1, lines 29-47. Choi also teaches step (110) in which the cursor is located by a user on an intended main menu icon and discloses a submenu selection and display step (130). See Fig 1. Furthermore see Choi's Fig (2c...2G) showing the movement, the display and relocation of a cursor (32) for steps (100....180) respectively. Applicant argues that the cited references do not teach storing the location of the menu item that was selected. However, Sakurai teaches that the file names of a submenu is stored in a display-file-name storage area allocated in a memory. See col. 9, lines 42-47 and Fig 12 (S12). Choi also discloses menu display storage unit (70) storing menu items as well as submenus and controlling mode displays. See col. 4, lines 22-34. Moreover, Choi teaches the use of shift value data storage in terms of selection of a

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predetermined control contents of the menu icon displayed on the screen where is the cursor is located. See col. 1, lines 4048.

### **Claim Rejections 35 U.S.C. 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (USN 5581685) in view of Choi (USN 5648781).

Regarding claims 1, 18 and 21, Sakurai teaches about displaying a menu, and submenu with area indicators. See Column 9, line 46-56, and Fig 13A. Sakurai teaches about displaying a menu in connection with menu items selection process (S4), and the process of loading and displaying a submenu (S11). Sakurai discloses an area indictor which is increased or decreased by one for a display of submenu and for a display of previous menu respectively. See column 9, lines 47-57. Sakurai teaches an initial menu display as submenu 1, and discloses selecting submenu 1 (as shown by 11 in Fig. 5) which results in a next menu display showing a menu selection (13). However, Sakurai does not teach automatically adjusting the area indictor to be located within the submenu. Choi on the other hand teaches locating a cursor (32) on the desired submenu icon. For

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example, a cursor appearing on a main menu icon (30) is relocated and displayed on a submenu (34). See col. 3, lines 14-26 and Fig 2(C-D).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Sakurai's menu display system to adapt Choi's cursor movement within a menu as shown in Fig 2(C-D). One would have been motivated in view of the suggestion that the cursor movement provides the desired adjustment of an area indicator within a menu. The use of cursor movement helps locate the desired submenu as taught by Choi.

Furthermore, Choi teaches when a menu key is pressed, a main menu is displayed on a system monitor such that the cursor is initially located at a predetermined screen location. See Fig. 1 (100) and col. 3, lines 4-13.

Regarding claim 2, Choi teaches a cursor being displayed on a menu and submenu as shown in Fig. 2C and 2D respectively.

Regarding claims 3, 19-20 and 22-23, Choi teaches the use of a remote controller (50), cursor movement from menu to submenu (Fig 2C, 2D), operation of an enter installed in the remote controller (col. 2, lines 1-5) and the storage of menu (700) as shown in Fig. 3.

Regarding claim 24, see Choi's Fig 3. (58, 70)

3. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai (USPN 5581685) in view of Choi (USPN 5648781) and Miyashita (USPN 6186630).

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Regarding claims 4, 8, 17, Sakurai and Choi have been described above.

In addition Sakurai teaches that the file name of a submenu is stored in a display-file-name storage area allocated in a memory. See column 9, lines 42-47, and Fig 12. Moreover, Sakurai teaches that selection can be made using function keys in order to control the pages of the menu on a screen. See Column 9, line 24-30, line 42-46, line 57-63, and Fig 12. Sakurai also teaches displaying submenus (S29, S31) and their corresponding selection processes (S30, S32). See Fig. 3. Sakurai teaches about the executing command and the display of a submenu (14) based on a menu display definition file. See column 6, line 25-34, and Fig 5-6.

However, Sakurai does not teach about a remote controller with a trackball for controlling the movement of an indicator. Miyashita on the other hand teaches about a remote controller with a trackball (28a) for controlling a display position of a pointer. See Column 5, line 1-6, and Figure 3. In addition Miyashita teaches a multimedia presentation system including the use of a desired display area such as a screen (16). See Column 1, lines 16-21 and Fig 1.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to replace Sakurai's Keyboard (7) by Miyashita's remote controller (20) for the purpose of entering data. One would have been motivated in view of the suggestion in Miyashita that the remote controller (20) is equivalent to the desired remote controller for controlling the movement of an indicator.

Regarding claim 17, in addition to what has been described above, Choi teaches the use of a remote control method for performing remote controlling of a television in which menu icons

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having predetermined control contents are utilized. Choi teaches the use of main menu, submenu, and the cursor that are displayed on the screen of the television (col. 1, lines 48-57). Choi further teaches displaying the menu icons and selecting the desired menu icon as well as displaying cursor on the screen and the cursor being initially displayed on a predetermined position of the screen according to the X, Y coordinates. See col. 1, lines 49-67. Moreover, referring to Fig. 3, Choi teaches a remote controller (50) including a trackball (54), a trackball movement sensing means (56) for sensing the movement of the trackball (54) as position shift value, a shift value data storage unit (58) for storing data with respect to the position shift values in advance, control commander (62) for selecting the menu icon which is displayed on the screen where the cursor is located, data generator (60) for generating the data corresponding to the sensed position shift value from shift value data storage unit (58) and transmitter (64) for coding and transmitting the data generated by data generator (60). Choi also teaches a television (52) including a receiver (66) for receiving the signal transmitted from the transmitter (64), menu display circuit (68) for displaying various menus of the television and the menu storage( 70) for storing menus, submenus and control modes, a cursor display circuit (72) for displaying the cursor according to the movement of the trackball and content execution unit (74) for executing the function of the selected icon where the cursor is located.

Regarding claims 5, and 14, Choi teaches a cursor being displayed on a menu and submenu as shown in Fig. 2C and 2D respectively.

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Regarding claims 6-7, 11-12, and 15, Miyashita teaches about an enlargement of an image, and changing the position of a curser using a remote controller. See Column 3, line 10-17.

Regarding claims 9-10, Miyashita teaches about a projection system where the position of the pointer can be controlled apart from main control means. Miyashita further teaches that an operator can freely control the display position of the position mark by operating a hand-held remote controller. See Column 1, line 52-56, and Column 3, 5-10.

Regarding claim 13, see Miyashita's Fig 3 (28a 28b).

Regarding claim 16, Miyashita teaches an equivalent screen display, See 13A-B.

### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is **(703) 306-0377**.

Abbas Abdulselam

Examiner

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RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600